E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
3/17/2025 4:53 PM

In the

Appellate Court of Maryland

* * *

No. ACM-REG-1325-2024

September Term, 2024

* * *

JUSTIN KYLE HOLDER

Appellant,

v.

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL.,

Appellees.

Appeal from the Circuit Court for Washington County, Maryland
(Hon. Judge Richard E. Jordan)

RECORD EXTRACT – VOLUME 5B

Jacob I. Weddle, Esq.
CPF NO. 0712120390
REMUS, WEDDLE & CAVENEE, LLC
18 WEST CHURCH STREET, SECOND FLOOR
FREDERICK, MARYLAND 21701
(301) 206-5770
jweddle@rwclawyers.com
Counsel for Plaintiff/Appellant

Record Extract
ACM-REG-1325-2024
Sept. Term 2024; No. 1325

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McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Wednesday, June 24, 2020 11:07 PM
To: townhall@keedysvillemd.com
Cc: dmullendore@washco-md.net; rwilkinson@washco-md.net
Subject: Deena and Justin Holder

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I last emailed you to notify you of the threats Justin Holder made about tearing down our fence and removing our very large piece of rail road rock (from 1867). It seems that Justin and his wife Deena feel that a deed written on papyrus, in another person's name, has given them rights to our property and those around us. They can never prove chain of custody for land that has changed hands over four times and has been cared for, maintained and used for over 150 years by someone other than them.. We have had our property surveyed and authenticated. The Department of Natural Resources has had their property surveyed. There is no easement!!!! At the time that I previously wrote to you I was hoping to be proactive. He had threatened to damage property owned by the State of Maryland, Keedysville and a private owner. You were unable to help. One week later. Justin followed though on his threat. He was charged with 4 DNR counts, relating to his destruction of property.

At what point does a resident's behavior change from civil nuisance to criminal?
The purchase of their property is interesting. On the heals of a federal investigation, they bought property in Keedysville. They paid cash. With an LLC that is virtually non existent. They have had 8 transactions of property with 5 separate LLC names in New Mexico. All of which happened during the Federal EPA investigation.

They have succeeded in intimidating our town, other residents, our Mayor and our representatives. Last week he threatened Nora Robert's son Dan and his wife Charlotte on social media. We know that he is directly related to Barry Levey (Assistant Mayor of Keedysville and his wife Donna).
Not criminal yet?

We found Justin Holder today waking inside our obviously marked "Do not trespass signs", on the phone with someone talking about further damage to property that is not his.

You have had more than enough neighbors call and email you with concerns. We feel Deena and Justin Holder may be dangerous. Their impulsive trespassing, unsolicited United States Postal service letters, and damage to property against many in our town is concerning. But, what has become more concerning is the Town of Keedysville's inaction to the fullest of their capability to protect us and our property.

PENGAD 800-631-6989
PETITIONER'S EXHIBIT
7

Holder PIA Response 2

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 1:37 PM
To: jmichael@washco-md.net
Subject: Re: Concerns in our community

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also, your Victim assistance rep was very kind and helpful. This has been a very stressful time. We haven't used our backyard for a month for fear.
Please thank her

Sent from my iPhone

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McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe
Subject: Re: Concerns in our community

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He has threatened to tear our fence down (and neighbors) and build a driveway with gravel through our backyard, under the guides of a deed that has the previous name of owner to his property. His actual deed does not look like the "wagon trail" transferred. We have used, maintained and lived on our small ~1/2 acre for four years. It was developed and surveyed back in 2005. The large beautiful 50 foot trees and large rail road (tons) rock are evidence that the "wagon trail" has not existed in at least 50 years.

Sent from my iPhone

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It also looks to me that the back of our yard has a water drainage and storm protected area he would have to go through. It also looks like he may have already done damage to the drainage and storm protected area during his DNR damage on May 29th. Behind our adjoining neighbors yards.

Sent from my iPhone

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Sent: Friday, June 26, 2020 3:03 PM
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Subject: Re: Concerns in our community

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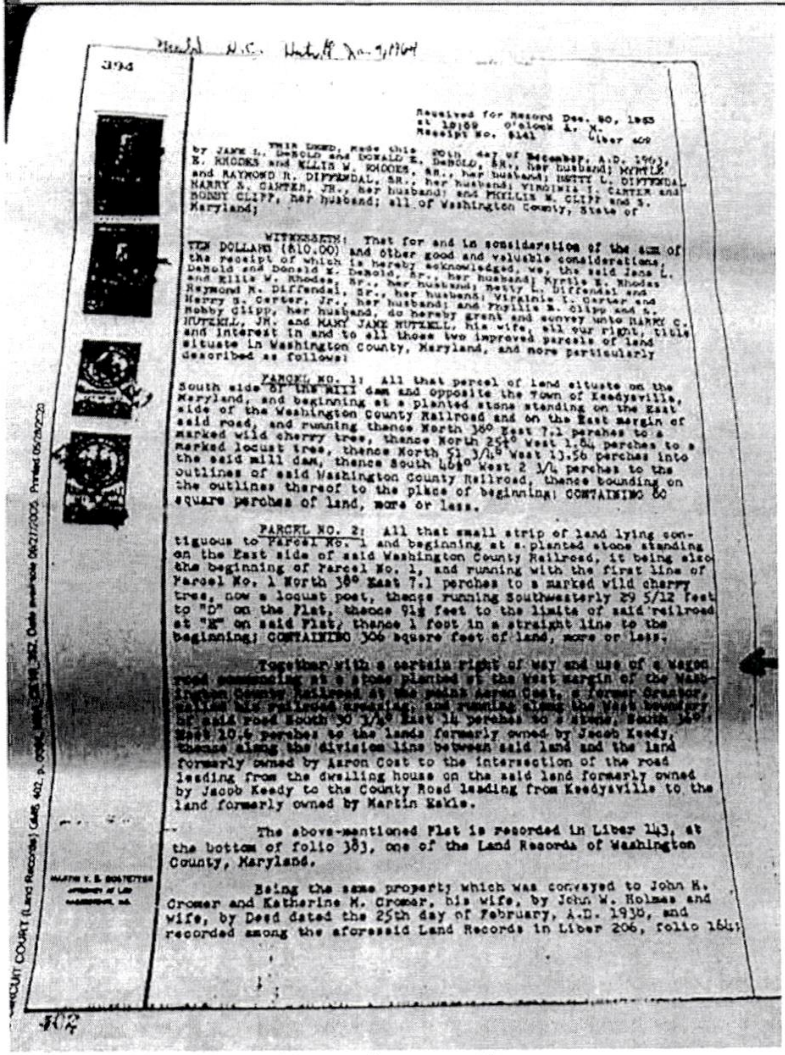

Mailed H.C. Hutzell Jan. 9, 1964

394

Received for Record Dec. 30, 1963
at 10:59 o'clock A. M.
Receipt No. 8141 Liber 402

THIS DEED, made this 20th day of December, A.D. 1963, by JANE L. DeBOLD and DONALD E. DeBOLD, SR., her husband; MYRTLE E. RHODES and ELLIS W. RHODES, SR., her husband; BETTY L. DIFFENDAL and RAYMOND R. DIFFENDAL, SR., her husband; VIRGINIA I. CARTER and HARRY S. CARTER, JR., her husband; and PHYLLIS M. CLIPP and S. BOBBY CLIPP, her husband; all of Washington County, State of Maryland;

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said Jane L. DeBold and Donald E. DeBold, Sr., her husband; Myrtle E. Rhodes and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and Harry S. Carter, Jr., her husband; and Phyllis M. Clipp and S. Bobby Clipp, her husband, do hereby grant and convey unto HARRY C. HUTZELL, JR. and MARY JANE HUTZELL, his wife, all our right, title and interest in and to all those two improved parcels of land situate in Washington County, Maryland, and more particularly described as follows:

PARCEL NO. 1: All that parcel of land situate on the South side of the Mill dam and opposite the Town of Keedysville, Maryland, and beginning at a planted stone standing on the East side of the Washington County Railroad and on the East margin of said road, and running thence North 38° East 7.1 perches to a marked wild cherry tree, thence North 25½° West 1.84 perches to a marked locust tree, thence North 51 3/4° West 13.56 perches into the said mill dam, thence South 40½° West 2 3/4 perches to the outlines of said Washington County Railroad, thence bounding on the outlines thereof to the place of beginning; CONTAINING 60 square perches of land, more or less.

PARCEL NO. 2: All that small strip of land lying contiguous to Parcel No. 1 and beginning at a planted stone standing on the East side of said Washington County Railroad, it being also the beginning of Parcel No. 1, and running with the first line of Parcel No. 1 North 38° East 7.1 perches to a marked wild cherry tree, now a locust post, thence running Southwesterly 29 5/12 feet to "D" on the Plat, thence 91½ feet to the limits of said railroad at "E" on said Plat, thence 1 foot in a straight line to the beginning; CONTAINING 306 square feet of land, more or less.

Together with a certain right of way and use of a wagon road commencing at a stone planted at the West margin of the Washington County Railroad at the point Aaron Cost, a former Grantor, walled his railroad crossing, and running along the West boundary of said road South 30 3/4° East 14 perches to a stone, South 36° East 10.4 perches to the lands formerly owned by Jacob Keedy, thence along the division line between said land and the land formerly owned by Aaron Cost to the intersection of the road leading from the dwelling house on the said land formerly owned by Jacob Keedy to the County Road leading from Keedysville to the land formerly owned by Martin Eakle.

The above-mentioned Plat is recorded in Liber 143, at the bottom of folio 383, one of the Land Records of Washington County, Maryland.

Being the same property which was conveyed to John H. Cromer and Katherine M. Cromer, his wife, by John W. Holmes and wife, by Deed dated the 25th day of February, A.D. 1938, and recorded among the aforesaid Land Records in Liber 206, folio 164;

MARTIN V. B. BOSTETTER
ATTORNEY AT LAW
HAGERSTOWN, MD.

CIRCUIT COURT (Land Records) [illegible] 402, p. [illegible] Date available 06/27/2005. Printed 05/28/2020

402

Here is the old deed he is relying on..."wagon trail"
Sent from my iPhone

On Jun 26, 2020, at 2:56 PM, Michael, Joe <jmichael@washco-md.net> wrote:

Okay. I am not an expert in this kind of civil proceeding, but if you have title insurance, and the existence of a claim of a existing wagon trail in the chains of title on file was not disclosed to you in your title search, it's your title insurer's duty to put this right.

Here is the basic problem in criminal court: if he has a recorded piece of paper that says that there is a right of way appurtenant to his property across the neighboring properties, whether it has been extinguished or not, and whether it will win him a civil suit or not won't matter. He just has to generate a reasonable doubt as to whether he has a right or not, and the State has the burden of proving that he does not, which without a Circuit Court order showing that one of the other parties has quieted the title to the disputed property we can't do in the criminal court, and everyone walks out of court no better off.

The state has filed several citations against Mr. Holder which we will prosecute. My plan is to show that he is violation even if his alleged right is valid because he may violating other state laws..

I encourage you to get the property rights resolved in the Circuit Court, which has the power to enjoin him from disturbing the property until it has resolved the dispute if it finds the appropriate grounds.

My other suggestion is to find out what document he is relying on, and without admitting that it gives him any rights at all demonstrate that even if it does give him rights he still can't cut tree X, or tear down fence Y. It is just an assumption on my part, I am willing to bet that he is exceeding the flimsy "rights" that he is saying the old deeds give him.

The State will help anyway that is appropriate, but criminal court won't get rid of this problem because the District Court has no jurisdiction to determine disputed land rights. It can only enforce violations like destruction and trespass on rights that are recorded in the circuit court land records, or resolved by the circuit court sitting as a court of equity.

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The wagon trail does not give him access to his property at all. He has a driveway. I can not figure out one reasonable explanation for him doing this where the damage can be mitigated. I have pounded my head and cannot understand. There is a 30 foot ravine from the old rail. He would need a bridge on the "wagon trail" to get to his property.

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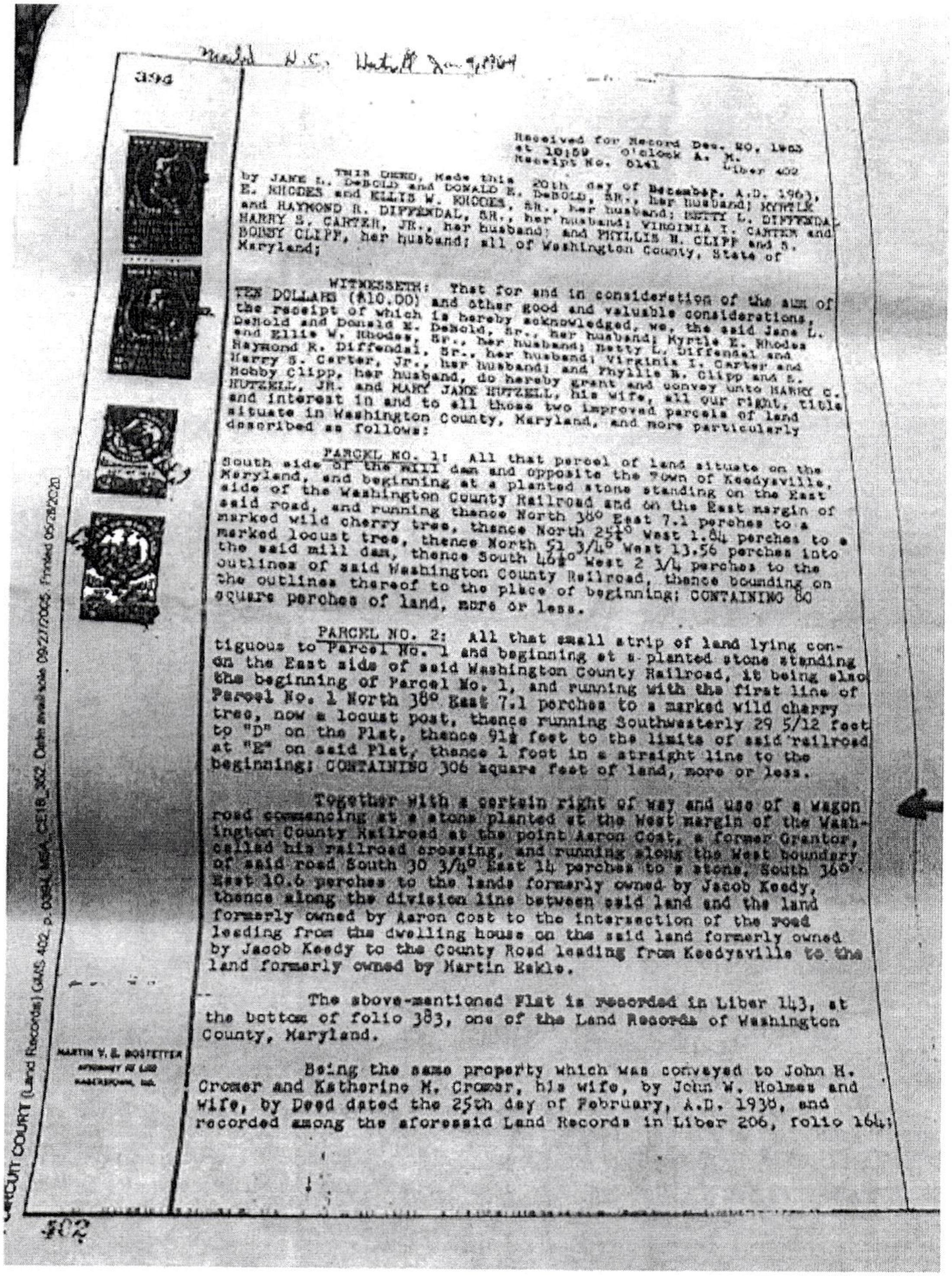

Mailed H. C. Hutzell Jan 9, 1964

394

Received for Record Dec. 20, 1963
at 10:59 o'clock A. M.
Receipt No. 5141 Liber 402

THIS DEED, Made this 20th day of December, A.D. 1963,
by JANE L. DeBOLD and DONALD E. DeBOLD, SR., her husband; MYRTLE
E. RHODES and ELLIS W. RHODES, SR., her husband; BETTY L. DIFFENDAL
and RAYMOND R. DIFFENDAL, SR., her husband; VIRGINIA I. CARTER and
HARRY S. CARTER, JR., her husband; and PHYLLIS H. CLIPP and S.
BOBBY CLIPP, her husband; all of Washington County, State of
Maryland;

WITNESSETH: That for and in consideration of the sum of
TEN DOLLARS ($10.00) and other good and valuable considerations,
the receipt of which is hereby acknowledged, we, the said Jane L.
DeBold and Donald E. DeBold, Sr., her husband; Myrtle E. Rhodes
and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and
Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and
Harry S. Carter, Jr., her husband; and Phyllis H. Clipp and S.
Bobby Clipp, her husband, do hereby grant and convey unto HARRY C.
HUTZELL, JR. and MARY JANE HUTZELL, his wife, all our right, title
and interest in and to all those two improved parcels of land
situate in Washington County, Maryland, and more particularly
described as follows:

PARCEL NO. 1: All that parcel of land situate on the
South side of the mill dam and opposite the Town of Keedysville,
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side of the Washington County Railroad and on the East margin of
said road, and running thence North 38° East 7.1 perches to a
marked wild cherry tree, thence North 25½° West 1.84 perches to a
marked locust tree, thence North 51 3/4° West 13.56 perches into
the said mill dam, thence South 46½° West 2 3/4 perches to the
outlines of said Washington County Railroad, thence bounding on
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of said road South 30 3/4° East 14 perches to a stone, South 36°
East 10.6 perches to the lands formerly owned by Jacob Keedy,
thence along the division line between said land and the land
formerly owned by Aaron Cost to the intersection of the road
leading from the dwelling house on the said land formerly owned
by Jacob Keedy to the County Road leading from Keedysville to the
land formerly owned by Martin Eakle.

The above-mentioned Plat is recorded in Liber 143, at
the bottom of folio 383, one of the Land Records of Washington
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Being the same property which was conveyed to John H.
Cromer and Katherine M. Cromer, his wife, by John W. Holmes and
wife, by Deed dated the 25th day of February, A.D. 1938, and
recorded among the aforesaid Land Records in Liber 206, folio 164;

MARTIN V. B. BOSTETTER
ATTORNEY AT LAW
HAGERSTOWN, MD.

402

CIRCUIT COURT (Land Records) GMS 402, p. 0394, MSA_CE18_302. Date available 09/27/2005. Printed 05/28/2020

Holder PIA Response 15

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 3:16 PM
To: Michael, Joe
Subject: Re: Concerns in our community

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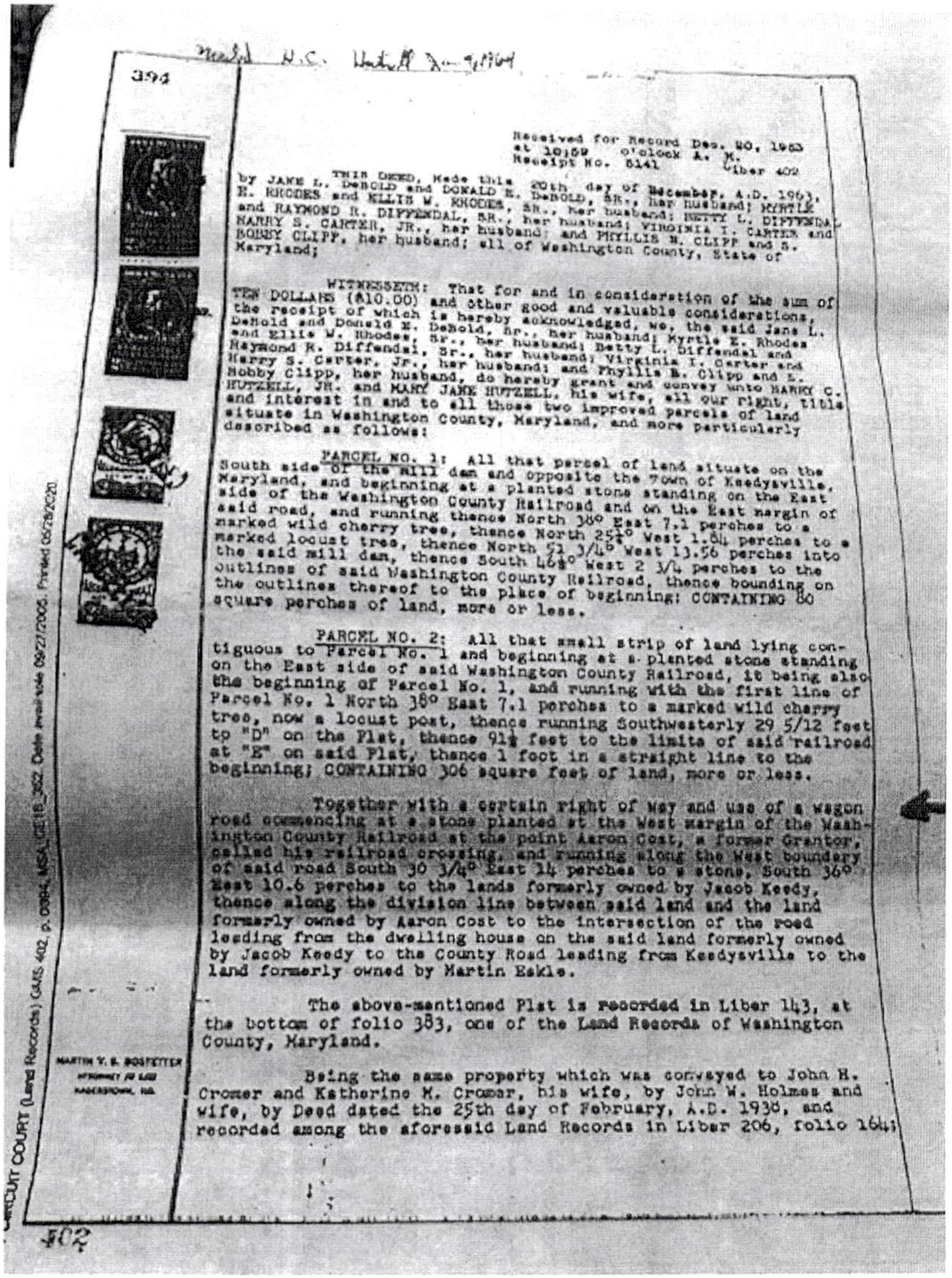

Mailed H.C. Hutzell Jan 9, 1964

394

Received for Record Dec. 20, 1963
at 10:59 o'clock A. M.
Receipt No. 8141 Liber 402

THIS DEED, Made this 20th day of December, A.D. 1963, by JANE L. DeBOLD and DONALD E. DeBOLD, SR., her husband; MYRTLE E. RHODES and ELLIS W. RHODES, SR., her husband; BETTY L. DIFFENDAL and RAYMOND R. DIFFENDAL, SR., her husband; VIRGINIA I. CARTER and HARRY S. CARTER, JR., her husband; and PHYLLIS M. CLIPP and S. BOBBY CLIPP, her husband; all of Washington County, State of Maryland;

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said Jane L. DeBold and Donald E. DeBold, Sr., her husband; Myrtle E. Rhodes and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and Harry S. Carter, Jr., her husband; and Phyllis M. Clipp and S. Bobby Clipp, her husband, do hereby grant and convey unto HARRY C. HUTZELL, JR. and MARY JANE HUTZELL, his wife, all our right, title and interest in and to all those two improved parcels of land situate in Washington County, Maryland, and more particularly described as follows:

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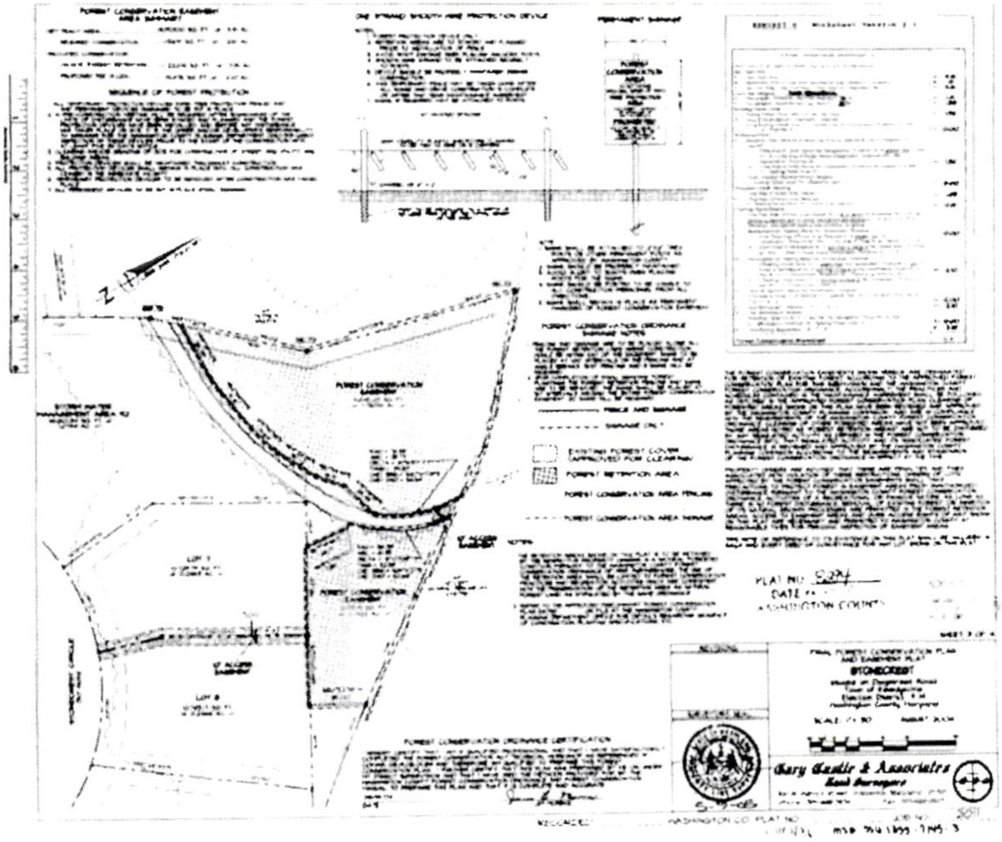
FOREST CONSERVATION EASEMENT
PLAT NO.
DATE
WASHINGTON COUNTY
FINAL FOREST CONSERVATION PLAN AND EASEMENT PLAT
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Subject: Re: Concerns in our community

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Any claims of being a County official or employee should be disregarded.

Our settlement attorney is working with our title ins to do a quiet deed now. Turns out we have to notify them of threats to our property so I'm glad I called.
Enjoy your weekend and thank you for your help.

Sent from my iPhone

> On Jun 26, 2020, at 3:03 PM, Christine Morral <morral7@msn.com> wrote:
>
> <image0.jpeg>
>
> Here is the old deed he is relying on..."wagon trail"
> Sent from my iPhone
>
>> On Jun 26, 2020, at 2:56 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>>
>> Okay. I am not an expert in this kind of civil proceeding, but if you have title insurance, and the existence of a claim of a existing wagon trail in the chains of title on file was not disclosed to you in

your title search, it's your title insurer's duty to put this right.

Here is the basic problem in criminal court: if he has a recorded piece of paper that says that there is a right of way appurtenant to his property across the neighboring properties, whether it has been extinguished or not,
and whether it will win him a civil suit or not won't matter. He just has to generate a reasonable doubt as to whether he has a right or not, and the State has the burden of proving that he does not, which without a Circuit Court order showing that one of the other parties has quieted the title to the disputed property we can't do in the criminal court, and everyone walks out of court no better off.

The state has filed several citations against Mr. Holder which we will prosecute. My plan is to show that he is violation even if his alleged right is valid because he may violating other state laws..

I encourage you to get the property rights resolved in the Circuit Court, which has the power to enjoin him from disturbing the property until it has resolved the dispute if it finds the appropriate grounds.

My other suggestion is to find out what document he is relying on, and without admitting that it gives him any rights at all demonstrate that even if it does give him rights he still can't cut tree X, or tear down fence Y. It is just an assumption on my part, I am willing to bet that he is exceeding the flimsy "rights" that he is saying the old deeds give him.

The State will help anyway that is appropriate, but criminal court won't get rid of this problem because the District Court has no jurisdiction to determine disputed land rights. It can only enforce violations like destruction and trespass on rights that are recorded in the circuit court land records, or resolved by the circuit court sitting as a court of equity.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

riveway with gravel through our backyard, under the guides of a deed that has the previous name of owner to his property. His actual deed does not look like the "wagon trail" transferred. We have used, maintained and lived on our small ~1/2 acre for four years. It was developed and surveyed back in 2005. The large beautiful 50 foot trees and large rail road (tons) rock are evidence that the "wagon trail" has not existed in at least 50 years.

Sent from my iPhone

> On Jun 26, 2020, at 2:14 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>
> You'll have to give me some facts to comment any further, which I understand you are hesitant to do. I spoke at length the Natural Resources Police Officer, and when it

comes to the State land he is asserting some kind of alleged possessory or use right to the State Parks Property. If he is asserting some kind of right to use, be on, change, or alter your property then that is exactly what your title insurance is for, to guarantee that you have what the title insurance company and title search said you were paying for, and to get this sort of thing straightened out.

I am in the dark as to what kind of claim you are asserting, but I hope that you found this helpful.

Sent from my iPad

On Jun 26, 2020, at 1:36 PM, Christine Morral <morral7@msn.com> wrote:

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Please thank her

Sent from my iPhone

On Jun 26, 2020, at

7

Holder PIA Response 37

10:07 AM, Christine Morral <morral7@msn.com> wrote:

Good

Holder PIA Response 38

morningMr.Michael.Iunderstandthatyoupreferemailc ontact. However, the situation in our community may have risen to my fear of retaliation. The people involved have requested all communication via FOIA from Town Hall. So, I believe they would do that with our contact as well. I wou

Id be happy to talk with you on the phone. I just do not want a nything to happen to me, my family or animals. Thank you,

---

Holder PIA Response 45

ChristineandScottMorral

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Monday, June 29, 2020 7:54 AM
To: Michael, Joe
Subject: Re: Concerns in our community

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3rd page of our plat record. Highlighted area is the damage he intentionally caused on one side. Our lot is 9 below 8. No easement exists. Looks like Forest conservation. I don't know who regulates that.
Waiting to hear from Title ins.

Sent from my iPhone

> On Jun 29, 2020, at 7:49 AM, Christine Morral <morral7@msn.com> wrote:
>
> <image0.jpeg>
>
> Sent from my iPhone
>
>> On Jun 26, 2020, at 4:41 PM, Christine Morral <morral7@msn.com> wrote:
>>
>> Yep. You pegged him. He damaged the DNR property while deputies watched. Against Cody Linton's (DNRP) lawful order the week before to stop all activity until ownership could be determined (reasonable).
>> Very kind of you to spend your time today. The biggest emergency is when it's yours.
>> Thank you for your patience. You can't make it up
>> Enjoy your weekend
>>
>> Sent from my iPhone
>>
>>> On Jun 26, 2020, at 4:26 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>>>
>>> Right – and it is actually the deeds *in your* chain that matter more where someone who owned the parcel your house is on before you granted the easement.
>>>
>>> There are other controlling factors here, besides the deeds, though. So stick to your guns and get what you paid for from your title insurance

and get the paperwork signed sealed and delivered in the circuit court so that if it comes to a criminal action in the district court there is something solid.

Having dealt with people like this before as long as there is something gray, they know the state's criminal enforcement hands are tied.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 4:13 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

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Any claims of being a County official or employee should be disregarded.

This is not his deed. It is the old deed for the property (previous owners)
His current deed most likely does not have the wagon trail on it or he would be showing everyone his current deed. The settlement attorney called back and said the trail probably dropped off. He said if that is the case, the title ins co may not do anything because it would be clear there is no property dispute.
So, they will begin their work and get back to me.
Again, thank you very much!

Sent from my iPhone

> On Jun 26, 2020, at 3:47 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>
> Exactly, ma'am. This is the not the first time that this office has had to deal with this kind of thing. My first advice is to always call the title insurance company, that's what it is for. Once that action is filed, if there is a good basis for the action, the Circuit Court should enjoin everybody from damaging anything.
>
> I regret that you have to go through this, but I can sympathize. I can think of three times that I have personally been involved in disputes of this nature with my own or my family's property.
>
> In the meantime if he ventures outside this tiny slice of America where he has a colorable claim, or threatens you after your suit is filed, then contact me immediately.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 3:16 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

Our settlement attorney is working with our title ins to do a quiet deed now. Turns out we have to notify them of threats to our property so I'm glad I called.
Enjoy your weekend and thank you for your help.

Sent from my iPhone

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>
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>
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>>
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Here is the basic problem in criminal court: if he has a recorded piece of paper that says that there is a right of way appurtenant to his property across the neighboring properties, whether it has been extinguished or not, and whether it will win him a civil suit or not won't matter. He just has to generate a reasonable doubt as to whether he has a right or not, and the State has the burden of proving that he does not, which without a Circuit Court order showing that one of the other parties has quieted the title to the disputed property we can't do in the criminal court, and everyone walks out of court no better off.

The state has filed several citations against Mr. Holder which we will prosecute. My plan is to show that he is violation even if his alleged right is valid because he may violating other state laws..

I encourage you to get the property rights resolved in the Circuit Court, which has the power to enjoin him from disturbing the property until it has resolved the dispute if it finds the appropriate grounds.

My other suggestion is to find out what document he is relying on, and without admitting that it gives him any rights at all demonstrate that even if it does give him rights he still can't cut tree X, or tear down fence Y. It is just an assumption on my part, I am willing to bet that he is exceeding the flimsy "rights" that he is saying the old deeds give him.

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From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

riveway with gravel through our backyard, under the guides of a deed that has the previous name of owner to his property. His actual deed does not look like the "wagon trail" transferred. We have used, maintained and lived on our small ~1/2 acre for four years. It was developed and surveyed back in 2005. The large beautiful 50 foot trees and large rail road (tons) rock are evidence that the "wagon trail" has not existed in at least 50 years.

Sent from my iPhone

On Jun 26, 2020, at 2:14 PM, Michael, Joe <jmichael@washco-md.net> wrote:

You'll have to

give me some facts to comment any further, which I understand you are hesitant to do. I spoke at length the Natural Resources Police Officer, and when it comes to the State land he is asserting some kind of alleged possessory or use right to the State Parks Property. If he is asserting some kind of right to use, be on, change, or alter your property then that is exactly what your title insurance is for, to guarantee that you have what the title insurance company and title search said you were paying for, and to get this sort of thing straightened out.

I am in the dark as to what kind of claim you are asserting, but I hope that you found this helpful.

Sent from my iPad

On Jun 26, 2020, at 1:36 PM, Christine Morral <morral

7@msn.com> wrote:

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Any claims of being a County official or employee should be di

Pleasethankh

er

Sent from my iPhone

On Jun 26, 2020, at 10:07 AM, Chris

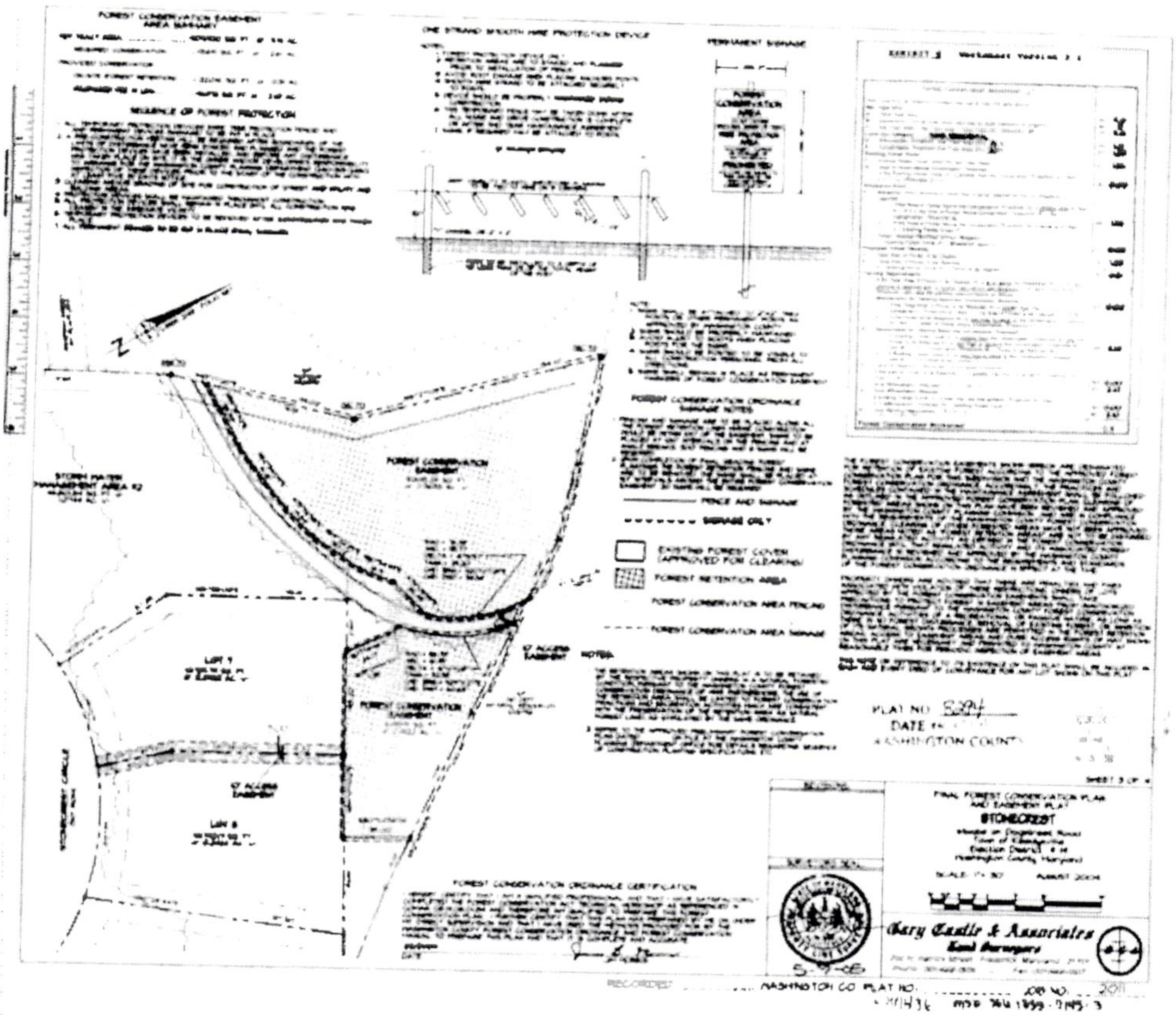
tine Morral <morral7@msn.com> wrote:

Good morning Mr. Mi

chael. I understand that you prefer email contact. Howev er, the situation in our community may have risen to my fea r of retaliation. The people involved have requested all communication via FOIA from Town Hall. So, I believe they would do that without our contact as well. I would be happy to t alk with you on the phone. I just do not want anything to hap pen to me, my family or animals.

Thank you, Christine and

Scott Morral


FOREST CONSERVATION EASEMENT AREA SUMMARY
SEQUENCE OF FOREST PROTECTION
ONE STRAND SMOOTH WIRE PROTECTION DEVICE
PERMANENT SIGNAGE
FOREST CONSERVATION AREA
N
FOREST CONSERVATION EASEMENT
STORM WATER MANAGEMENT AREA #2
FOREST CONSERVATION ORDINANCE SIGNAGE NOTES
FENCE AND SIGNAGE
SIGNAGE ONLY
EXISTING FOREST COVER (APPROVED FOR CLEARING)
FOREST RETENTION AREA
FOREST CONSERVATION AREA FENCING
FOREST CONSERVATION AREA SIGNAGE
LOT 7
LOT 8
ACCESS EASEMENT
FOREST CONSERVATION ORDINANCE CERTIFICATION
PLAT NO. 8394
DATE
WASHINGTON COUNTY
SHEET 3 OF 4
FINAL FOREST CONSERVATION PLAN AND EASEMENT PLAT
STONECREST
Election District
Washington County, Maryland
SCALE: 1" = 30'
AUGUST 2004
Gary Castle & Associates
Land Surveyors
5-9-05
RECORDED
WASHINGTON CO. PLAT NO.
JOB NO. 2011
MSA 764 1899 - 7145 - 3

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 1:34 PM
To: Michael, Joe
Subject: Re: Concerns in our community

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Any claims of being a County official or employee should be disregarded.

We do have land title ins. I guess I should start there, to try to get our property protected. Would they help?

Sent from my iPhone

> On Jun 26, 2020, at 10:15 AM, Michael, Joe <jmichael@washco-md.net> wrote:
>
> I completely understand.
>
> The State's Attorneys Office conducts its business in the sunshine, and subject to the Maryland Public Information Act (MPIA), which would apply *after* the close of any criminal investigation. If charges are filed, then the Defendant in any charge is entitled to any statements of any witness against him or her, so talking on the phone will not protect your identity or communication from discovery in a criminal case. Ultimately, it's six of one, 1/2 dozen of the others.
>
> If you wish to have the State's help, those are the rules.
>
> So, please e-mail if you have concerns that may be criminal in nature (such as trespass or destruction of property), but rest assured that eventually, whether through discovery or MPIA, your communications with this office are not confidential.
>
> With all of that being said, if confidentiality of your communication is your paramount concern, perhaps you should consult with a private attorney, with whom your communication *would* be confidential.
>
> Sent from my iPad
>
>> On Jun 26, 2020, at 10:08 AM, Christine Morral <morral7@msn.com> wrote:
>>
>> WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
>>
>> Any claims of being a County official or employee should be disregarded.
>>
>> Good morning Mr. Michael. I understand that you prefer email contact.
>> However, the situation in our community may have risen to my fear of
>> retaliation. The people involved have requested all communication via FOIA from

Town Hall. So, I believe they would do that with our contact as well.I would be happy to talk with you on the phone. I just do not want anything to happen to me, my family or animals.

Thank you,
Christine and Scott Morral

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Saturday, July 4, 2020 4:53 PM
To: jmichael@washco-md.net
Subject: Re: Justin Holder

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Last evening he took out peace orders against both Scott and I and the land owner with the majority of his damage on May 29th. Jeff Young We are even more fearful of him now. We feel it was retaliatory and continued intimidating harassment. Our peace orders were registered on the case Judiciary at 2:30 for the public to see. We believe he saw it and knew it was two of the three of us who filed them. We believe it led to him filing one against all three of us 9 hours later. We were served but the police can not locate him. We gave the police 4 different possible locations. On our peace order we stated and swore an oath that we saw him within our clearly marked do not trespass signs on June 24th at about 2pm. We filed our orders because the DNR Park manager and a DNRP (On July 1st during a visit to clearly mark their property lines in yellow paint on the trees and rocks lining their property) heard him say he was going to take our fence down on Monday or Tuesday and plow a driveway through our yard. They cautioned him against it and told him he should be going through the correct legal steps if he thinks he has a right to do so. They told him intentionally damaging property would not be a good idea until he goes through the correct legal path for claim. We filed because the park manager said that based on his demeanor, she feels he will do it anyway against their reasonable suggestion of correct legal steps. We are terrified. Coming through someones property with a bulldozer was, and would be again, very terrifying. I would assume it would be malicious intent to destroy property and intent to intimidate and scare us.
unbelievable!

Sent from my iPhone

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, July 3, 2020 12:11 PM
To: jmichael@washco-md.net
Subject: Justin Holder

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Any claims of being a County official or employee should be disregarded.

Justin Holder told a DNR park manager and officer that he intends on tearing our fence down On the 6th or 7th. They told him he should be doing this through the correct legal channels. He indicated that he does not care. We are on the way to get a peace order. We are very afraid of him.
Sent from my iPhone

Jacob Weddle

Subject: FW: Forest Damage Assessment

From: Michael, Joe <jmichael@washco-md.net>
Sent: Thursday, October 1, 2020 12:03 PM
To: 'Mary Ironside -DNR-' <mary.ironside@maryland.gov>; 'Talley H. Kovacs -DNR-' <talley.kovacs@maryland.gov>
Subject: tRE: Forest Damage Assessment

Hi,

This case is becoming burdensome for this office – basically the State's Attorney's Office will be put in the position of proving a quiet title action in the District Court – an action that I am likely to lose because of lack of expertise and resources. This will set a very bad precedent up and down the rail-trail.

Instead, please begin the process of filing an action in the Circuit Court to quiet DNR's title in fee simple to exclude Mr. Holder's allegedly superior claim from the property of DNR. The Circuit Court's opinion will be binding in District Court, but not vice versa.

It's the only fair way to do this. I have asked Mr. Holder's counsel to start that process and he won't because he sees the advantage of not doing so because Mr. Holder (who doesn't even seem to be a title owner of a contiguous property!) has a win-win situation by making this go forward in the District Court instead. I think that he is trying to stall to build up his time of exclusive and notorious use of the disputed land, yet another reason for DNR to beat him to the punch and quiet title.

PETITIONER'S EXHIBIT 8
PENGAD 800-631-6989

I don't see how the DNR can expect the Washington County State's Attorney's Office to protect DNR's rights in criminal court with a higher standard, if the Attorney General won't protect DNR's rights in civil court at the lower standard.

Let me know how DNR is going to proceed.

From: Mary Ironside -DNR- <mary.ironside@maryland.gov>
Sent: Monday, September 28, 2020 11:35 AM
To: Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>; Michael, Joe <jmichael@washco-md.net>
Subject: Fwd: Forest Damage Assessment

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It looks like the restitution is under $500

dnr.maryland.gov

Ranger Mary Ironside
Park Manager
South Mountain Recreation Area
Department of Natural Resources
21843 National Pike
Boonsboro, Maryland 21713
301-791-4656 (office)
240-285-2621 (cell)
Mary.Ironside@maryland.gov

Click here to complete a three question customer experience survey.

---------- Forwarded message ---------
From: **Robert R. Schwartz -DNR-** <robertr.schwartz@maryland.gov>
Date: Thu, Sep 24, 2020 at 4:22 PM
Subject: Re: Forest Damage Assessment
To: Mary Ironside -DNR- <mary.ironside@maryland.gov>
Cc: Christy Bright -DNR- <christy.bright@maryland.gov>, George Eberling -DNR- <george.eberling@maryland.gov>

Hi Mary,

Attached is the damage assessment for the area along the rail trail. You mentioned that the responsible party may question my credentials so I included my licensed forester and forest warden numbers so if any questions arise, they are right there. Apologies for how long it took me to get it to you. Please let me know if this will work for what you need or if you have any questions.

Best,
Bob

Jacob Weddle

Subject: FW: State of MD v. Justin Holder

From: Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>
Sent: Thursday, November 12, 2020 5:13 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: State of MD v. Justin Holder

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Joe-

DNR has asked that I make a request to you to put these citations on the stet docket. Thank you in advance for your consideration.

Talley

Talley H-S. Kovacs, Esq.
Assistant Attorney General
Talley.Kovacs@maryland.gov
Cell: (443) 841-8877

On Mon, Nov 2, 2020 at 1:57 PM Michael, Joe <jmichael@washco-md.net> wrote:

Thanks for at least telling me that you won't be telling me.

This office will be putting effort into the preparation and pursuit of this criminal matter that corresponds with the DNR's effort to protect its property in civil court. Under these circumstances it is likely to be a not guilty, which will probably not inure to DNR's benefit in the long run.

If DNR would prefer that the State NP this matter so that DNR is not left with a not-guilty verdict, please send me a formal request to NP this case for this office's file, and this office will give that request due consideration.

Meanwhile I am watching the civil proceedings in the Circuit Court vis a vis the neighboring properties.

PENGAD 800-631-6989
PETITIONER'S EXHIBIT
9

From: Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>
Sent: Monday, November 2, 2020 1:10 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: State of MD v. Justin Holder

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Any claims of being a County official or employee should be disregarded.

Joe-

I left a message for you last week to discuss your emails, but I know you are incredibly busy. I do understand your position. At this time, I cannot offer anything further regarding DNR's deliberation upon actions it may or may not take in the future.

Best regards,

Talley

Talley H-S. Kovacs, Esq.

Assistant Attorney General

Talley.Kovacs@maryland.gov

Cell: (443) 841-8877

On Wed, Oct 14, 2020 at 9:26 AM Michael, Joe <jmichael@washco-md.net> wrote:

> As requested in my e-mail of October 1, 2020, please let me know how DNR is going to proceed on the civil end. Your e-mail

was silent regarding my request for information – not that you have any obligation to tell me.

The State will wait until the citations are set for trial to make any determination on how it is going to proceed, but given the DNR's apparent lack of interest in this matter, additional charges are unlikely, unless a different victim, who is more interested in asserting its rights steps forward. Needless to say, this office won't be devoting any keen resources to a case that the DNR won't take to civil court.

I'll let you know when the citations are set. Mary, if and when this matter goes to trial, please be ready to explain during your testimony why DNR feels that criminal charges are appropriate in a case where DNR cannot or will not exert its property rights in equity court. The Judge will want to know and understand that answer, because it goes to the heart of the matter. It is a real headscratcher.

From: Talley H. Kovacs -DNR- <talley.kovacs@maryland.gov>
Sent: Tuesday, October 13, 2020 1:47 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: State of MD v. Justin Holder

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Mr. Michael-

I hope this email finds you well. DNR understands that your office may determine to nolle pros the four citations issued to Justin Kyle Holder in June 2020. Please let me know if you plan to prosecute Mr. Holder under Criminal Law Section Article 6-301 for Malicious Destruction of Property, which you seemed inclined to pursue as late as September 11, 2020 according to your email to Mr. Holder's attorney.

If I can be of further assistance, please do not hesitate to contact me.

Best,

Talley Kovacs

Talley H-S. Kovacs, Esq.

Assistant Attorney General

Department of Natural Resources

Tawes State Office Building

580 Taylor Avenue, Suite C-4

Annapolis, Maryland 21401

Talley.Kovacs@maryland.gov

Office: (410) 260-8351

Cell: (443) 841-8877* (Effective March 14, 2020 call this number to reach me.)

*****We are currently teleworking due to the COVID-19 emergency. Email is the best way to reach me.***

LAWYERS
GREIVELL
&
GARROTT
JOHNSON
LLC

Greivell & Garrott Johnson, LLC
5 Cornell Avenue
Hagerstown, Maryland 21742

t: (240) 310-9150
f: (877) 262-4810

Adam D. Greivell, Esq.
adam@greivelllawoffice.com
Erika Garrott Johnson, Esq.
erika@greivelllawoffice.com
W. Kennedy Boone, III, Esq.
Of Counsel, dwkboone@aol.com

September 11, 2020

Via MDEC Electronic Service

Joseph Michael, Esq.
Office of the State's Attorney
For Washington County
33 West Washington Street
Hagerstown, Maryland 21740

Re: *State of Maryland v. Justin Kyle Holder*

Case Nos.: NR00H0M0T
NR00F0M0T
NR00G0M0T
NR00J0M0T

Dear Mr. Michael:

Please furnish to the Defense, pursuant to Maryland Rule 4-262, the following:

1. All written and all oral statements of the defendant and of any co-defendant that relate to the offense charged and all material and information, including documents and recordings, that relate to the acquisition of such statements;

2. As to each State's witness whom the State's Attorney intends to call to prove the State's case in chief or to rebut alibi testimony, those written statements of the witness that relate to the offense charged and are (i) signed by or adopted by the witness or (ii) contained in a police or investigative report, together with the name and, except as provided under Code, Criminal Procedure Article, § 11-205 or Rule 16-1009(b), the address of the witness;

3. All relevant material or information regarding:

   a) specific searches and seizures, eavesdropping, or electronic surveillance including wiretaps; and

   b) pretrial identification of the defendant by a State's witness;

PENGAD 800-631-6989
PETITIONER'S
EXHIBIT
10

4. As to each State's witness the State's Attorney intends to call to testify as an expert witness other than at a preliminary hearing:

    a) the expert's name and address, the subject matter on which the expert is expected to testify, the substance of the expert's findings and opinions, and a summary of the grounds for each opinion;

    b) the opportunity to inspect and copy all written reports or statements made in connection with the action by the expert, including the results of any physical or mental examination, scientific test, experiment, or comparison; and

    c) the substance of any oral report and conclusion by the expert;

5. The opportunity to inspect, copy, and photograph all documents, computer-generated evidence as defined in Rule 2-504.3(a), recordings, photographs, or other tangible things that the State's Attorney intends to use at a hearing or at trial; and

6. The opportunity to inspect, copy, and photograph all items obtained from or belonging to the defendant, whether or not the State's Attorney intends to use the item at a hearing or at trial.

7. Copies of any and all documents or other evidence that establishes whether the State of Maryland owns the land and premises upon which it alleges the Defendant was at the time it is alleged that Defendant violated the law giving rise to the charges in these cases.

8. Copies of any and all documents that establish that the State of Maryland or its predecessors in title acquired a fee simple ownership interest in the land and premises upon which it alleges the Defendant was at the time it is alleged that Defendant violated the law giving rise to the charges in these cases (the "Property").

9. Copies of any and all documents that establish that the State of Maryland or its predecessors in title acquired a right of way or easement interest in the Property.

10. Copies of any and all documents that establish that the State of Maryland's predecessor in title to the Property did not abandon its right of way.

11. Copies of any and all documents related to the abandonment proceedings of the railroad company that operated a railroad on the Property prior to 1991.

12. Copies of any and all documents that tend to establish that the Property is properly and legitimately part of any "rail bank" or valid "rail and trail" program that would save the railroad right of way from being adjudicated to have been abandoned prior to 1991.

13. Copies of any and all documents related to any rights of way or easements that burden the Property or any part of the Property within 1/4 mile in any direction therefrom.

14. Copies of any and all documents related to any claim by the State of Maryland that the Property was not either burdened by a public road right of way, easement by prescription, or easement by implication at the time the original Grantor, Samuel Cost, conveyed the right of way to the railroad in 1866.

15. Copies of any and all documents related to any claim by the State of Maryland that the Property or any part of the Property was not owned by Washington County or the Town of Keedysville in fee simple prior to the State's quit claim deed to the Property in 1991.

16. Copies of any and all documents related to any surveys that depict the Property, the outer boundaries thereof, or any evidence that the Defendant was physically located on any part of land owned by the State of Maryland on the date the Defendant is accused of committing the crimes alleged in these cases.

17. Copies of any and all documents related to the precise location of the center line of the old railroad tracks that existed on the Property before they were removed.

18. The identity of any and all agents of the State of Maryland who have knowledge of the precise boundary lines of the Property claimed to be owned by the State of Maryland.

19. Any and all notes, reports, incident reports, communications, body camera footage, or other records of any interaction between Justin Holder, Mary Ironside, Christine Morral, Scott Morral, Ken Lord, Richard Bishop with any law enforcement officer, including but not limited to the Washington County Sheriff's Department and Natural Resources, to further include but not be limited to Cody Litton, Officer Breakall, and Officer Chandler on or about May 20, 2020, May 29, 2020 or July 1, 2020.

Please note that we have reason to believe that the State of Maryland possesses evidence related to the inferiority of its claimed title to the Property. Because the State's case rests inexorably upon its ability to prove beyond a reasonable doubt that it owns record title to the Property, it is the expectation of the Defense that all information in the possession, custody or control of the State of Maryland related to the strength of its claim of title to the Property be disclosed reasonably in advance of trial so as to enable the Defense and its experts reasonable opportunity to inspect the same and conduct their own investigations based thereon. To the extent that the State is determined to be in possession of any such exculpatory information after any conviction may be obtained in this matter, the State is hereby placed on notice that the Defendant will assert that the failure to provide the same information prior to trial may be a basis for a reversal.

Additionally, please furnish all other material or information in any form, whether or not admissible, that tends to exculpate the defendant or negate or mitigate the defendant's guilt or punishment as to the offenses charged and all material or information in any form, whether or not admissible, that tends to impeach a State's witness.

Thank you for your assistance in this matter.

Sincerely,

/s/ Adam D. Greivell
Adam D. Greivell, Esq.

response to demand for discovery

From: **Michael, Joe** | jmichael@washco-md.net September 11, 2020 at 8:23 PM

To: **Adam Greivell** | adam@greivelllawoffice.com

Adam:

All representations made without prejudice and in furtherance of settlement.

The State acknowledges the Defendant's demands for discovery.

Requests 7 through 19 exceed the burden of the State under Maryland Rule 4-262, and except for providing documents or data that coincidentally may be responsive to the valid request for discovery in requests 1 through 6, under Maryland Rule 4-262, the State declines to respond.

The State understands that there may be some other civil proceedings ongoing, and the State's Attorney's Office does not represent the "State of Maryland", writ large, nor do the discovery obligations of the State reach that far.

I have reviewed this matter, and sense that the Defendant may be undercharged by these natural resources citations, if your suggestion is correct:

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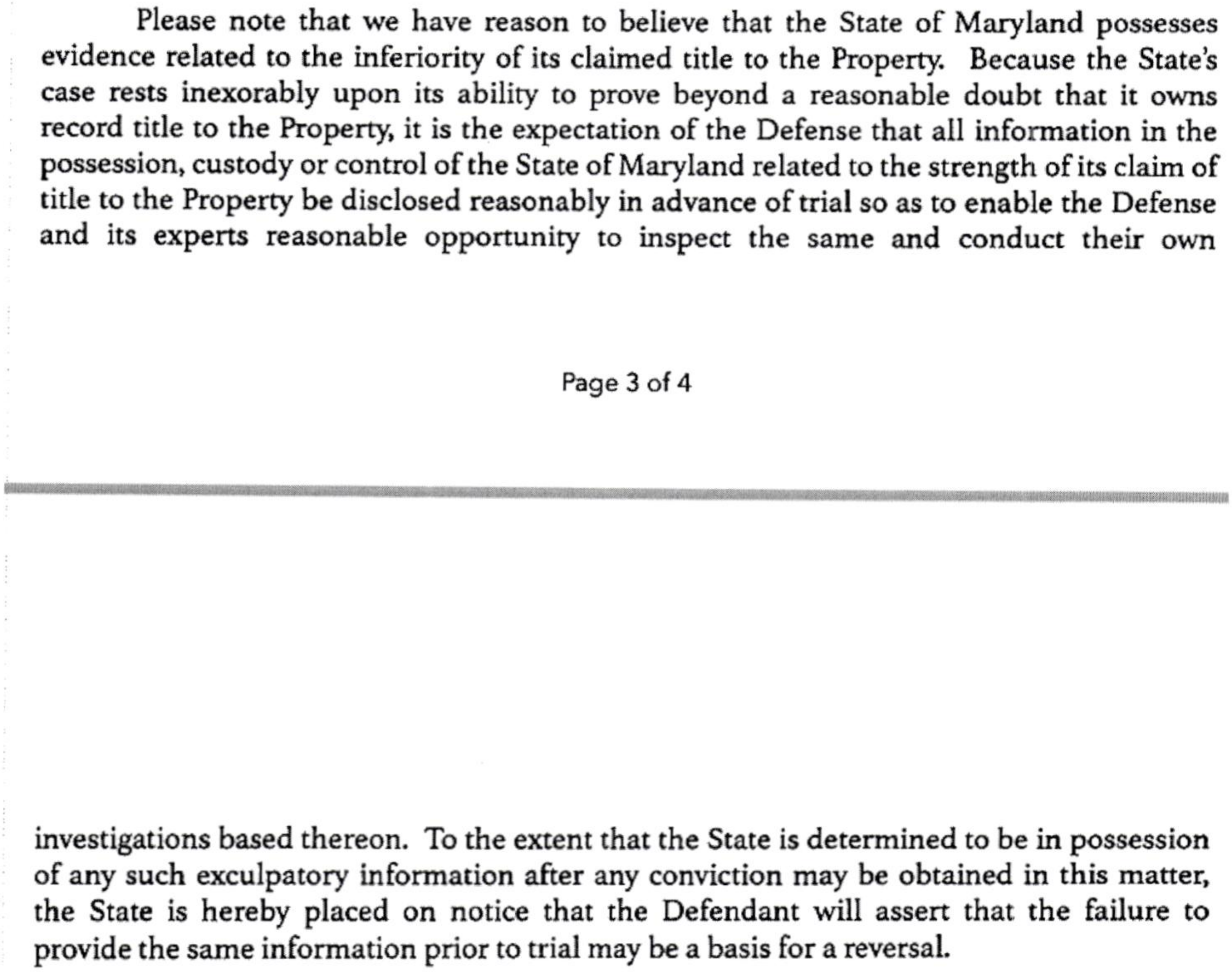

Please note that we have reason to believe that the State of Maryland possesses evidence related to the inferiority of its claimed title to the Property. Because the State's case rests inexorably upon its ability to prove beyond a reasonable doubt that it owns record title to the Property, it is the expectation of the Defense that all information in the possession, custody or control of the State of Maryland related to the strength of its claim of title to the Property be disclosed reasonably in advance of trial so as to enable the Defense and its experts reasonable opportunity to inspect the same and conduct their own investigations based thereon. To the extent that the State is determined to be in possession of any such exculpatory information after any conviction may be obtained in this matter, the State is hereby placed on notice that the Defendant will assert that the failure to provide the same information prior to trial may be a basis for a reversal.

The State respects your wisdom as a practitioner, and gives great credence to your representation that "the State's case rests inexorably upon its ability to prove beyond a reasonable doubt that it owns record title to the Property. The State (meaning the State's Attorney's Office) has asked the Department of Natural Resources to provide details of its ownership because as you state, the status of the Department of Natural Resources ownership and the classification as a State Park Property may well be crucial elements of the current crime. On the other hand, however, a violation of Criminal Law Section Article 6-301, Malicious Destruction of Property may be far easier for the State to prove, and has yet to be charged. The elements of that crime are far more basic, and carry a much more severe penalty of incarceration:

§ 6-301. Malicious destruction--Generally

Prohibited

(a) A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another.

Penalty--Property damage of at least $1,000

(b) A person who, in violation of this section, causes damage of at least $1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $2,500 or both.

Penalty--Property damage of less than $1,000

(c) A person who, in violation of this section, causes damage of less than $1,000 to the property is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $500 or both.

Penalty--Restitution for graffiti

(d)(1) For purposes of this subsection, an act of “graffiti” means a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the owner of the property.

(2) In addition to the penalties set forth in subsections (b) and (c) of this section, the court shall order a person convicted of causing malicious destruction by an act of graffiti to pay restitution or perform community service or both.

(3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an order of restitution under this subsection.

Aggregation of damages

(e)(1) Except as provided in paragraph (2) of this subsection, to determine a penalty, the court may consider as one crime the aggregate value of damage to

each property resulting from one scheme or continuing course of conduct.
(2) If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

Value of damages

(f)(1) The value of damage is not a substantive element of a crime under this section and need not be stated in the charging document.
(2) The value of damage shall be based on the evidence and that value shall be applied for the purpose of imposing the penalties established in this section.
(3) If it cannot be determined from the evidence whether the value of the damage to the property is more or less than $1,000, the value is deemed to be less than $1,000.

So instead of tracing the vagaries of chains of titles to the railroad track tract and getting into a battle of whether the Department of Natural Resources' title is perfect, *vel non*, from the State's point of view if this matter is going to go to trial, it would make more sense to identify the extent to which your client has title to any property he damaged, whether he pays taxes on that property, and if he does not in fact have title to the real estate that he damaged or permission from the owner of that property to damage it, then he would thereby be guilty of willfully and maliciously damaging the property "of another". The State points you to Burgess v. State, 598 A.2d 830, *cert denied*. 325 Md. 619 (1991), which relieves the State of proving who exactly owns the property in question. The property of the State of Maryland (not to say that your point is not extremely well taken assuming that the State may have imperfect title) does qualify as the "property of another." See, McGlaughlin v. State, 3 Md.App. 515, 526 (1968).

The State has not done complete research on your client's criminal history, but notes that case search demonstrates at least two criminal convictions for 1996 and 2000 just in Maryland Judiciary Case Search. Once the State gets his more complete criminal history, I'll let you know what the sentencing guidelines would be if this matter were charged by criminal information in the Circuit Court.

If on the other hand your client has proof that *he* has title to the property that he damaged, or that he had permission to damage or alter that property from the person that you purport does own it, it might make sense for him to provide that to the State, because if he is right, he is right, and he should not be prosecuted at all. The State has no interest in prosecuting him if his behavior was legal. While he has no burden to provide any information whatsoever to the State, I do suggest that he might have a strong interest in doing so. If you, as his able counsel, wish to discuss this in hypothetical terms, feel free to call me.

While encroachment and damage to another person's property is a serious matter, it is not so serious that the State would not consider an alternative resolution to this matter if it would quell the discord in the neighborhood. On the other hand the more resources that the Defendant demands from the State and from other third parties which he seems to be dragging into this case, the more likely that jail will be a just result. Feel free to make s proposition to dispose of this matter and to avoid further investigation and the potential incarceration of your client. Or, alternatively, just let the State know that your client wishes to have trial of all criminal issues in this matter, and advise when and where he would make himself available for the service of summons or warrant for additional charges.

Thanks,

Joe Michael
Deputy State's Attorney

Re: response to demand for discovery

From: **Adam Greivell** | adam@greivelllawoffice.com September 17, 2020 at 10:15 PM

To: **Michael, Joe** | jmichael@washco-md.net

Bcc: **jholder2004@gmail.com**

Hi Joe -

You raise some very good points in your email. I have reviewed them with my client and I am preparing a more fulsome response to address the same.

In the meantime, I was hoping you could do me a favor and explain what you mean by "other third parties which he seems to be dragging into this case."

Are you talking about other pending or potential civil litigation with third parties, or are you talking specifically about the discovery we have requested that may be in the hands of third parties? Or is it something else?

I appreciate any clarification you can make on that point.

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Re: response to demand for discovery

From: **Adam Greivell** | adam@greivelllawoffice.com September 25, 2020 at 6:22 PM

To: **Michael, Joe** | jmichael@washco-md.net

Bcc: **jholder2004@gmail.com**

Hi Joe -

I am following up on my question from last week about what you meant about involving third parties. Clarity from you on this will help me advise my client on how to best ameliorate the concerns of the State regarding said third parties you expressed.

In the meantime, please use this link for access to documents responsive to your Discovery Demand of September 2, 2020: www.dropbox.com/sh/x5jl3tdeuaku4y6/AAAxUzbwts3UB94288-MvfJTa?dl=0

Further, please see the linked video here showing what appears to be the area in question on May 20, 2020: www.youtube.com/watch?v=xdyVMYUeMcc&feature=youtu.be

Finally, please note that, as of now, Mr. Holder intends to call Tracie L. Clabaugh, Esq., The Clabaugh Law Firm, 2 South Wisner Street, Frederick, Maryland 21701 as a real estate title expert, and George Nagel, Director of Surveys, Fox & Associates, Inc., 981 Mt. Aetna Road, Hagerstown, MD 21740, Tel: 301.733.8503 ext. 121, as an expert land surveyor.

All reports and associated documents from our experts will be produced as they become available.

Please let me know if you have any trouble accessing the documents or have any questions about what you find in there.

I may, and probably will, be supplementing more documents as they become available.

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RE: response to demand for discovery

From: **Michael, Joe** | jmichael@washco-md.net September 28, 2020 at 4:35 PM
To: **Adam Greivell** | adam@greivelllawoffice.com

Thanks for all of the documents. I am sure that they are fascinating, but I won't be reading them, because I am only looking for two documents: if you could just send me simple non-dropbox pdf's of them: 1) a survey showing the extent of his claim with a surveyor's certificate overlayed with the area he was clearing, and a 2) a PDF of his (or the party who owns the ground in question since he does not seem to be a title owner) complaint Circuit Court action to quiet title. Maybe they are in there, help me find them.

If he (and you, if you are the lawyer who would countersign the quiet title action) are secure in the claim, then the resolution through a court of equity should be child's play.

If that is filed, it would be the State's intention to file a stay of the tickets and MDOP charge (the statute of limitations would likely run on that charge before it was even filed) until the Court of equity sorts out his claim.

The DNR's opinion. Your opinion. The opinions of experts won't matter a hill of beans compared to the only opinion that matters: the equity judge's opinion.

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No further comment needs to be given regarding your clients' actions. As Judge Boone says, his conscience should be his guide, advise him as you see fit. There is a right way and wrong way to settle property claims, and the right way is in the circuit court.

That's all I am looking for. The State respects his claim, which may be valid, may be invalid, may be partially valid, or may have been extinguished by prescription, or may be re-established by prescription. All of which you are far more expert in than I am.

What I am expert in is proving a case from inference, and the number one inference that can be drawn from his behavior as I understand it and all of this paperwork is this: "Any person with a valid claim and hours and hours of research behind it would file an action to quiet title. The fact that such an action is not filed is proof that he is a fraud, who instead is trying to bootstrap and re-establish a colorable right that if it ever existed has been extinguished."

Help me find those documents (your client's survey and a copy of the action to quiet title) in the dropboxes by sending separate PDF's, so that I can review and move to stay this action pending that outcome.

Sound good?

FW: Forest Damage Assessment

From: **Michael, Joe** | jmichael@washco-md.net September 28, 2020 at 3:50 PM

To: **Adam Greivell** | adam@greivelllawoffice.com

Cc: **Thomas, Jessica** | jthomas@washco-md.net

Estimate for damage to state park property.

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MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

September 24th, 2020

Mary Ironside
Park Manager, South Mountain Recreation Area
Maryland Park Service
21843 National Pike
Boonsboro, Maryland 21713

RE: Forest Damage Assessment

This assessment is for forest damaged along the undeveloped Weverton-Roxbury Rail Trail at about 25 Antietam Drive Keedysville, MD 21756. Based on a field examination and geographic information systems (GIS) analysis, the damage extends over approximately 1/10th of an acre. Trees and shrubs along the south side of the retired railbed were removed down to ground level and significant soil disturbance occurred in this area. The forest damaged is primarily small diameter young trees. These trees had little merchantable value but the value of their ecosystem services, such as acting as a visual buffer or as wildlife habitat, should not be overlooked. Significant damage did occur to a large sawtimber size white oak, impacting its value as lumber though not causing mortality, and there was evidence of several large trees being removed down to their roots but these occurrences were on the private property adjacent to the Weverton-Roxbury Rail Trail rather than on the public land itself.

The cost to replant the damaged area with bare-root seedlings is approximately $462.50. This is based on the per acre average of two tree planting contractors' price quotes provided recently in Washington County, Maryland.

Robert R. Schwartz
Forester, Maryland Forest Service
Maryland Licensed Forester #781
Forest Warden, Badge #79

Re: FW: response to demand for discovery

From: **Adam Greivell** | adam@greivelllawoffice.com September 30, 2020 at 11:17 AM
To: **Michael, Joe** | jmichael@washco-md.net
Cc: **Thomas, Jessica** | jthomas@washco-md.net
Bcc: **Justin Holder** | Jholder2004@gmail.com

Hi Joe -

I regret that I don't know who Jessica Thomas is, but I assume she works for your office and would be downloading these files in connection with this case. Can you confirm that?

I removed the files because you stated you would not be reading them and then narrowed your request to only two documents. If you would like to have access to the files restored, I will gladly do so, and advise you and Ms. Thomas when they are available again.

Responding briefly to your comment about bootstrapping, while I disagree with your assertion that Mr. Holder is a fraud for not yet filing a Quiet Title action (Mr. Holder will not be hastened into any civil action by the threat of criminal prosecution, but, instead, will pursue or defend such an action to quiet title at a time that is appropriate to the civil circumstances), I note that your reasoning applies at least equally, if not more forcefully, to the State of Maryland which has had its claims to title of this abandoned railroad bed directly and flatly challenged innumerable times going all the way back to when it acquired its Quit Claim Deed in 1991, yet in almost 30 years has refused to test its claims in court. You will find in the folder, should you choose to go reading, a more recent letter on behalf of Holly Nicodemus from 2015 flatly denying the State's rights to control what she does on the old railroad bed, and yet, in the face of such continuing challenge, the State has remained silent. Applying your harsh reasoning, "Any person with a valid claim and [29 years] of research behind it would file an action to quiet title. The fact that such an action is not filed is proof that he [the State] is a fraud..."

I will refer you further to Liber 1015, folio 808, which letter is further acknowledgement that the State knew full well it was buying a pig in a poke.

You need only ask DNR to provide you with all the other correspondence with local landowners, lawmakers and county attorneys to verify my assertions.

I don't mean to belabor the point, and respectfully, I am not declaring war with you over it. I'm just letting you know that the dagger you threw (accusing my client of being a fraud for not having filed a quiet title action **right now**) cuts both ways.

Penultimately, I will provide you with a full and well-reasoned breakdown of my client's rights to be where he was accused of being and to do what he was accused of doing. It will take some time, and significant expense to my client, but I will provide it to you as soon as I am able.

Finally, my client remains disturbed about your comment concerning "dragging third parties into t " as you have specifically stated your opinion that the more he involves them, the more likely it is that he will g

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noted to you my difficulty interpreting this statement as there are many third parties involved with the various issues confronting my client and these properties. Can you please provide the clarity I have requested so I can advise my client as to how best to avoid going to jail?

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RE: FW: response to demand for discovery

From: **Michael, Joe** | jmichael@washco-md.net

September 30, 2020 at 11:52 AM

To: **Adam Greivell** | adam@greivelllawoffice.com

Cc: **Thomas, Jessica** | jthomas@washco-md.net

Yes, Jess takes care of our file.

Yes, we will need the documents if you or any expert you are calling has relied upon them. I won't be reading it, because I may not even be trying the case.

I don't have time to get in a war of e-mails. Suffice it to say, the State has offered to forgo prosecution until the end of a quiet title action if your client files an action to quiet title. Please give the State your client's acceptance or rejection of that offer. Seems to be the shortest distance between two points. If he's not filing the quiet title, then the State is convinced he is a bad actor. The State completely agrees that the DNR should file an action for quiet title before they go cutting anybody else's trees down, too, but they don't seem to be the ones causing the ruckus down there.

Two words are all you need to write: "accepted" or "rejected", and the State will move to place this matter on the Stet docket if the State's offer is accepted -- until the completion of the action to quiet title in the Circuit Court.

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I have time for no other e-mails from you on this point, so save your time, and your client's resources.

Re: FW: Forest Damage Assessment

From: **Adam Greivell** | adam@greivelllawoffice.com
October 1, 2020 at 10:18 AM

To: **Michael, Joe** | jmichael@washco-md.net
Cc: **Thomas, Jessica** | jthomas@washco-md.net
Bcc: **jholder2004@gmail.com**

Hi Joe -

Reviewing the letter from Mr. Schwartz, it appears the claimed damage occurred outside of the lands claimed to be owned by the State. Is it safe for me to assume that you will be voluntarily dismissing all of the DNR citations promptly?

If not, please produce all documents, pictures, videos and correspondence related to the "field examination and geographic information systems (GIS) analysis" conducted by or referred to by Mr. Schwartz, as well as all documents related to the "two tree planting contractors' price quotes provided recently in Washington County, Maryland."

Also, as you consider trying to put Mr. Holder in jail for malicious destruction of property, I encourage you to review your decision to do so in light of *Gibson v. State*, 238 Md. 414 (1965), *citing Rosenberg v. State*, 164 Md. 473 (1933), ("Rosenberg claimed on appeal that the removal of the post was not malicious. Judge Urner defined the term "wilfully" as characterizing an act done with deliberate intention for which there is no reasonable excuse, and the word "maliciously" as a wrongful act committed deliberately and without legal justification. Under these definitions this Court held that Rosenberg was asserting a property right which the owners of the adjacent ground were contesting and thus this did not constitute a criminal offense.").

Finally, while Mr. Holder appreciates your advice regarding how to conduct himself in the future so as to best avoid going to jail, I don't believe you answered my several queries regarding what you meant by "other third parties which he seems to be dragging into this case."

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RE: FW: Forest Damage Assessment

From: **Adam Greivell** | adam@greivelllawoffice.com October 9, 2020 at 4:16 PM

To: **Michael, Joe** | jmichael@washco-md.net

Cc: **Thomas, Jessica** | jthomas@washco-md.net

Bcc: **jholder2004@gmail.com**, **ira@cookeandkline.com**

Hi Joe - I will keep this short. Mr. Schwartz's letter states the damaged white oak and "several large trees being removed" did not occur "on the public land itself." I believe this renders the two charges under 08.07.06.13 unsupported by probable cause. Will you continue to pursue those anyway?

Finally, I'm sorry to keep asking, but you haven't answered me about what you meant by "other third parties which he seems to be dragging into this case," in your email of September 11. Can you please explain what you mean by that?

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RE: FW: Forest Damage Assessment

From: **Michael, Joe** | jmichael@washco-md.net October 12, 2020 at 11:28 AM

To: **Adam Greivell** | adam@greivelllawoffice.com

Yes.

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RE: FW: Forest Damage Assessment

From: **Adam Greivell** | adam@greivelllawoffice.com October 19, 2020 at 2:49 PM

To: **Michael, Joe** | jmichael@washco-md.net

Bcc: **jholder2004@gmail.com**

Hi Joe -

Please see attached.

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W. Kennedy Boone, III, Esq.
Of Counsel, dwkboone@aol.com

October 19, 2020

Via Electronic Mail Only to: jmichael@washco-md.net

Joseph Michael, Esq.
Office of the State's Attorney
For Washington County
33 West Washington Street
Hagerstown, Maryland 21740

Re: *State of Maryland v. Justin Kyle Holder*

Case Nos.: NR00H0M0T
NR00F0M0T
NR00G0M0T
NR00J0M0T

Dear Mr. Michael:

As you are aware, on or about May 29, 2020, Christine Morral illegally intercepted the oral communications of Mr. Holder and then further illegally forwarded the contraband "video.mov" to Natural Resource Officer, Cody Litton[1]. Immediately upon the discovery of this interception, Mr. Holder filed charges, and you subsequently negotiated with Mrs. Morral community service in exchange for a dismissal thereof. As a direct result of that video being taken and sent to Officer Litton, however, Mr. Holder was charged with the four above-referenced DNR citations.

After I served detailed discovery requests obviously aimed at challenging the State's claim to own unencumbered fee simple title to the very land it claims Mr. Holder disturbed, you wrote to me on September 11, 2020, acknowledging the challenges concerning the State's title to the land, and then suggested that you should perhaps charge Mr. Holder with the jail-able offense of malicious destruction of property[2].

You then stated that:

---

[1] We have recently discovered that Mrs. Morral also took a previously unknown "video_1.mov" video, which we suspect to be another illegal interception. We have further recently discovered that she unlawfully sent the known-illegal "video.mov" to other individuals besides Officer Litton, and further that the illegal video(s) were (probably) unlawfully spread to still other third parties.

[2] In contrast to the above-referenced citations, which are punishable only by fines.

> *"On the other hand the more resources that the Defendant demands from the State* *__and from other third parties__* *which he seems to be dragging into this case, the more likely that jail will be a just result."* [Emphasis added.]

Mr. Holder was disturbed by this comment, and asked me to clarify what you meant. I wrote to you on 9/17/2020, and expressly asked you:

> *"In the meantime, I was hoping you could do me a favor and explain what you mean by 'other third parties which he seems to be dragging into this case.'*
>
> *Are you talking about other pending or potential civil litigation with third parties, or are you talking specifically about the discovery we have requested that may be in the hands of third parties? Or is it something else?*
>
> *I appreciate any clarification you can make on that point."*

You declined to respond to my inquiry, so, about a week later, on 9/25/2020, I emailed you again, and asked:

> *"I am following up on my question from last week about what you meant about involving third parties. Clarity from you on this will help me advise my client on how to best ameliorate the concerns of the State regarding said third parties you expressed."*

I still did not receive a response, so, again, on 9/30/2020, I wrote to you again, asking the following:

> *"Finally, my client remains disturbed about your comment concerning "dragging third parties into this case" as you have specifically stated your opinion that the more he involves them, the more likely it is that he will go to jail. I previously noted to you my difficulty interpreting this statement as there are many third parties involved with the various issues confronting my client and these properties. Can you please provide the clarity I have requested so I can advise my client as to how best to avoid going to jail?"*

Later that day, you provided a partial response, stating:

> *"I neglected to answer your last question: not legal advice, but a commonsense opinion, he can best avoid going to jail by handling this property dispute in the Circuit Court, and disturbing no other vegetation, rocks, or neighbors*

until he has the court of equity's order in hand."

I responded the following day, stating:

> *"Finally, while Mr. Holder appreciates your advice regarding how to conduct himself in the future so as to best avoid going to jail, I don't believe you answered my several queries regarding what you meant by 'other third parties which he seems to be dragging into this case.'"*

Hearing no response still, on 10/9/2020, I wrote you agin, asking:

> *"Finally, I'm sorry to keep asking, but you haven't answered me about what you meant by "other third parties which he seems to be dragging into this case," in your email of September 11. Can you please explain what you mean by that?"*

On 10/12/2020, you wrote back to me, stating, simply:

> *"Yes."*

Unfortunately, your response was ambiguous, as I had posed another "yes" or "no" question to you in the same email regarding whether the State would continue to pursue the two DNR citations without probable cause. It now being another week later, and receiving no further elucidation from you regarding your forebodings about involving third parties, I am left to assume you were answering the other question.

Thus, we arrive at the point of my letter. I have written five times inviting an explanation of a *bona fide* basis for the threat to bring new, incarcerable, charges against Mr. Holder if he does not stop "dragging third parties into this case."

I have apparently been ineffective in my communication of the need to have clarity on this very important point. As such, I now take the opportunity to explain why the threat about involving third parties has disturbed my client.

As you know, Mr. Holder presently finds himself in the middle of numerous civil (and some criminal) disputes. I will accept in good faith, however, that you may not be familiar with the precise nature or extent of *all* of these disputes.

As such, I will explain at least some of them. Mr. Holder has ongoing disputes with at least the following third parties: a number of private property owners in Keedysville (Christine and Scott Morral, Jeffrey Young, Benjamin Estes, potentially half of the Stonecrest Development, etc.), the Towns of Keedysville, Boonsboro, Sharpsburg, Washington County, the Washington County Health Department, the Maryland Department of Health, the Department of Natural Resources, the Maryland Department of Environment, the State of Maryland, "writ large," Fred Frederick of Frederick, Seibert & Associates, and possibly others.

Mr. Holder's disputes with the Stonecrest neighbors, Jeff Young, and the Town of Keedysville generally relate to: his wife's record-title right of way over and through lands that are owned or are claimed to be owned by them; his ownership of previously un-conveyed lands purchased from the original Stonecrest developer; the existence of a public road running through approximately the same area; a prescriptive easement and a potential easement by implication.

Mr. Holder's disputes with Mrs. Morral include, in addition to the above, her malicious prosecution of a peace order, and other civil claims for her unlawful interception of oral communications as provided by that statute, defamation of character, and potentially further criminal charges related to the previously unknown additional distribution of "video.mov" and whatever might be included in "video_1.mov."

Mr. Holder's disputes with the Towns of Keedysville, Boonsboro and Sharpsburg, as well as Washington County, the Washington County Health Department, the Maryland Department of Health, the Department of Natural Resources, the Maryland Department of Environment involve largely their failures to comply with their statutory obligations under the Public Information Act related to numerous requests made by Mr. Holder.

Further, Mr. Holder has been investigating other serious failures of the Town of Keedysville and the County for failure to install public water and sewer facilities to what are now his wife's properties despite having been required to do so for over 60 years (water) and 30 years (sewer). Mr. Holder also seems to have uncovered that the Town, County, and perhaps other individuals may have misrepresented to the MDE and EPA that these properties are and have been currently hooked up to water and sewer for over 30 years in order to obtain millions of dollars in federal grant money to build and maintain the facilities.

Mr. Holder's disputes with Mr. Estes relates to land that Mr. Estes claims to own on the Holder side of the Creek that he accuses Mr. Holder of trespassing on when Mr. Estes alleges Mr. Holder cleaned up the overgrown brush obstructing the bank and wire fencing in a floodplain at the direction of an MDE compliance officer.

Mr. Holder's disputes with Mr. Frederick revolve around what Mr. Holder believes is Mr. Frederick's negligent (or worse) survey work regarding the Holder properties which led to a DLLR Complaint against Mr. Frederick that has been ongoing for the better part of this year, and will likely result in litigation and/or claims made against Mr. Frederick's E&O policy.

Mr. Holder's disputes with the State of Maryland in general relate to his dispute of the State's claim to own fee simple title to the former railroad bed, and the failure of the various State agencies to honor their obligations under the MPIA. And, yes, to answer your implied question, Mr. Holder does have recorded title to the same railroad bed that the State claims Mr. Holder damaged.[3]

I have not necessarily listed all of the disputes that Mr. Holder has with these varied third parties. Nor have I necessarily listed all of the third parties with whom Mr. Holder has disputes.

Suffice it to say, when you threatened that Mr. Holder will be charged with an incarcerable offense for what he allegedly did on June 8, 2020 unless he stops "dragging" "third parties" "into this case," Mr. Holder was unclear which third parties you may have been referencing, what you meant by "into this case," and, for that matter, what activities you consider to constitute "dragging."

Thus, I explained Mr. Holder's confusion in a simplified fashion, and asked you many times to clarify.

To the extent that you are insisting that Mr. Holder waive, hold, pause, give up or otherwise cease to pursue any of his rights regarding these third-parties, it is my frank and humble opinion that the demand is both wrongful and unlawful[4].

Mr. Holder and I both greatly respect you and we have both resisted jumping to the conclusion that this is and has been your intention[5]. However, our numerous attempts to achieve clarity from you to dispel our fears have not been fruitful.

---

[3] In an email, you suggested that I "identify the extent to which your client has title to any property he damaged, whether he pays taxes on that property"... and "If on the other hand your client has proof that he has title to the property that he damaged, or that he had permission to damage or alter that property from the person that you purport does own it, it might make sense for him to provide that to the State, because if he is right, he is right, and he should not be prosecuted at all. The State has no interest in prosecuting him if his behavior was legal." After I expressed to you that I would be preparing a detailed response to your request to explain the title issues, you told me you don't want to hear it.

[4] At least insofar as these rights and claims are not tightly related to the existing DNR citations and whatever other allegedly unlawful damage he inflicted to property on June 8, 2020.

[5] Although your response of 9/30/2020 does appear to indicate that you will charge Mr. Holder with malicious destruction of property for what he allegedly did on June 8, if he continues to use the uncontroverted record-title right of way that benefits the property owned by his wife (something I would have explained to you, but for your instruction to me that you don't want to hear it).

Mr. Holder suggested that perhaps I have been too vague in my previous requests, and, thus, I have undertaken to spell it all out here.

While these claims and third parties *are* all inter-related and *all* center around the Holder properties at Antietam Drive, the claims are not so closely related to this threatened malicious destruction charge that it can or should be properly utilizable as leverage to give these third parties an advantage in their civil matters.

While Mr. Holder advises me that, in light of his personal relations and interactions with you and your close family, he has a hard time believing that you would engage or cooperate in such an effort to effectuate civil advantages to these third parties by leveraging the threat of incarceration, his inability to receive a direct and satisfactory answer to his many queries has left this as an open question. You have been clear that the third parties you were referencing were not just the State and its resources ("demands from the State and from other third parties").

As such, I write one final time to directly ask that you clarify your statement of September 11, 2020, and confirm which, if any, of these third parties Mr. Holder needs to stop "dragging into this case" and please define the scope of what you mean by "dragging into."

Regardless of what response you choose to provide - or, even if you choose to continue to decline a response - Mr. Holder will not back down from any of his claims.

Mr. Holder asked that I remind the State that in his two prior convictions (of which you wrote), Mr. Holder accepted responsibility, pleaded guilty, and did not waste State resources. In fact, he successfully paid his debts and completed his probation and parole without issue.

As previously stated in my prior emails to you, he will not be hastened into civil litigation with third parties, and will not otherwise be bullied by the State or anybody else into modifying, waiving, giving up, delaying or expediting any of his rights.

Sincerely,

Adam D. Greivell, Esq.

: Forest Damage Assessment

October 19, 2020 at 3:05 PM

From: **Michael, Joe** | jmichael@washco-md.net

To: **Adam Greivell** | adam@greivelllawoffice.com

Thanks. I'll put it in the file, but it won't be read.

Sent from my iPhone

PETITIONER'S
EXHIBIT

PENGAD 800-631-6989

RE: FW: Forest Damage Assessment

From: **Michael, Joe** | jmichael@washco-md.net October 19, 2020 at 5:06 PM

To: **Adam Greivell** | adam@greivelllawoffice.com

Cc: **Thomas, Jessica** | jthomas@washco-md.net

Please pardon my earlier short reply.

Don't spoil the ending for me, but was there a "yes" or "no" or counter-proposal in your letter? I saw that the letter had more than one page and that critical information did not appear on the first page, so I could not devote more time to it, but if there is such a response, do me a favor and cut and paste that part into more concise response. If there is not such a response, no need to reply, just wait until there is at least a trial date to open this file again. I don't foresee this matter reaching a trial until you inevitable elevation to a bench, so again, given the overwhelming claim of other far more important crimes on the State's manpower, the State won't be putting any time into the case anytime soon, so save the electronic ink and effort – as I have frequently recommended.

PETITIONER'S
EXHIBIT
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PENGAD 800-631-6989

Kirk C. Downey
County Attorney

Washington County
MARYLAND

Kendall A. McPeak
Deputy County Attorney

B. Andrew Bright
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

August 4, 2020

Re: Public Information Act Request
dated 8/3/2020

jholder2004@gmail.com
Justin Holder
25 Antietam Drive
Keedysville, MD 21756

Dear Mr. Holder:

Our office is in receipt of your email dated August 3, 2020 requesting records pursuant to the Maryland Public Information Act, MD. Code, Gen'l Prov. Art. §§4–101 et seq. ("PIA"). Your request and correlating response from our office are set forth below.

> ***Inquiry:*** "Please provide all email correspondance from the following email address "Morral7@msn.com"and any sheriff, deputy, county official from May 19th to present."
>
> ***Response:*** Your request is denied. Pursuant to Gen'l Prov. Art. § 4-351, a custodian may deny inspection, by a person in interest, of records of investigations conducted by a State's Attorney. The State's Attorney's Office has advised that the records you have requested are, in fact, records of an ongoing investigation and involve current prosecution. Therefore, I must deny your request.

As your request was denied, you are, pursuant to § 4-362, entitled to seek judicial review of this decision. You may also refer any concerns about this decision to the Public Access Ombudsman per § 4-1B-01 et seq.

Sincerely,

B. Andrew Bright
Assistant County Attorney

PENGAD 800-631-6989
PETITIONER'S
EXHIBIT
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100 West Washington Street, Suite 1101 | Hagerstown, MD 21740 | P: 240.313.2230 | F: 240.313.2231 | TDD: 711

WWW.WASHCO-MD.NET

IN THE CIRCUIT COURT
FOR WASHINGTON COUNTY

JUSTIN KYLE HOLDER *

Plaintiff *

v. * Case No.: C-21-CV-21-000097

BOARD OF COUNTY *
COMISSIONERS,
WASHINGTON *
COUNTY, *et al.*
*
Defendants

* * * * * * * * * * * * * *

AFFIDAVIT OF B. ANDREW BRIGHT, ESQ.

I hereby affirm under the penalties of perjury that I am over eighteen (18) years of age, competent to testify, have personal knowledge of the facts and circumstances set forth below, and that all such facts and circumstances are true:

1. I am currently employed as the Assistant County Attorney of Washington County.

2. In my role, I received and reviewed a request, made under the Public Information Act, by Justin Kyle Holder.

3. I have been informed by the Deputy State's Attorney that the records requested by Mr. Holder pertain to an open investigation being conducted by the State's Attorney's Office.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true to the best of my knowledge and belief.

April 20, 2021
Date

B. Andrew Bright
Assistant County Attorney
Washington County, Maryland

Page 1 of 1

EXHIBIT A

PETITIONER'S EXHIBIT 25
PENGAD 800-631-6989